



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: November 19, 2008

Expiration Date: December 18, 2008

Corps of Engineers No: NWP-1998-883

Oregon Department of State Lands No: 41580-RF

30-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Michele E. Hanson
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicant: Hi Banks Rock Products, Inc. (Hi Banks)
8422 Highbanks Road
Central Point, Oregon 97502-9345

Location: The project is located north of adjacent ongoing aggregate mining operations in Central Point, Jackson County, Oregon (Section 15, Township 36 South, Range 2 West). The site is at 8422 Highbanks Road.

Waterway: Vernal pools and emergent wetlands abutting Whetstone Creek.

Project Description: Hi Banks proposes to excavate material from an area measuring approximately 295 feet long by 295 feet wide by 95 feet deep to obtain aggregate materials including sand, gravels and clay. Up to 2.13 acres of jurisdictional waters, including approximately 1.17 acres of vernal pool wetlands, 0.39-acre of furrowed wetlands, 0.44-acre of emergent wetlands and 0.13-acre of constructed drainages would be permanently impacted for expansion of the existing mining operation. The work would be completed using equipment typical of similar operations such as excavators, loaders, and haul trucks. The excavated aggregate would be crushed, sorted and temporarily stockpiled onsite. The existing driveway from Highbanks Road would provide access to the site. The submitted wetland delineation is under the Corps' review.

Mitigation: Hi Banks indicated because the site is designated as an aggregate resource under the local land use plan the applicant considered no alternative other than the no-build alternative. Hi Banks would maintain horizontal setbacks from Whetstone Creek located to the south and Rogue River to the north to avoid 8.48 acres of wetlands abutting the creek, and 0.91-acre of the creek and associated excavated basins. Hi Banks has proposed a compensatory wetland mitigation plan to replace unavoidable aquatic losses associated with the project. Hi Banks would remove up to 4,895 square feet (0.11-acre) of road base material at the Oregon Department of Fish & Wildlife's Ken Denman Wildlife Area to restore a more natural hydrologic regime to 19.36 acres of a vernal pool wetland complex. Please refer to attached drawings 6 through 8.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: Obtain aggregate for commercial sale.

Drawing(s): Eight (8) drawings are attached and labeled NWP-1998-883.

Additional Information: Additional information may be obtained from Michele E. Hanson, Project Manager, U.S. Army Corps of Engineers at (541) 465-6878 or email michele.e.hanson@usace.army.mil

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) is not required for the described activity. A survey was completed in April 2008 for the presence of federally-endangered plants including Cook's lomatium and large-flowered wooly meadowfoam. Neither of these species was found onsite.

Cultural Resources: An initial evaluation of the proposed project area indicates to the best of our knowledge, the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. At this time the Corps is unaware of any cultural resource surveys of the project area.

This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential effects.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

PUBLIC NOTICE
Oregon Department of Environmental Quality (DEQ)
Water Quality 401 Certification

Corps of Engineers No: NWP-1998-883

Notice Issued: November 19, 2008

Oregon Department of State Lands No: 41580-RF **Written Comments Due:** December 18, 2008

WHO IS THE APPLICANT: Hi Banks Rock Products, Inc.

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice.

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project.

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Northwest Region, 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Jan Coomler at (503) 229-5087.

Any questions on the proposed certification may be addressed to the 401 Water Quality Certification Coordinator, (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on **December 18, 2008**. Written comments should be mailed to Oregon Department of Environmental Quality, Northwest Region, Attn: 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987 or faxed to (503) 229-6957. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, emails should be aware that if there is a delay between servers or if a server is not functioning properly, emails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to 401publiccomments@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at (800) 452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

Aggregate Mine
Expansion Project Area

Existing Permitted Aggregate Mine



Source: Base maps obtained from Whetstone Engineering, Inc. and Terraserver-USA website (<http://terraserver-usa.com>).

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Highbanks Aggregate Mine
Expansion Joint Permit Application
Figure 1. Location Map

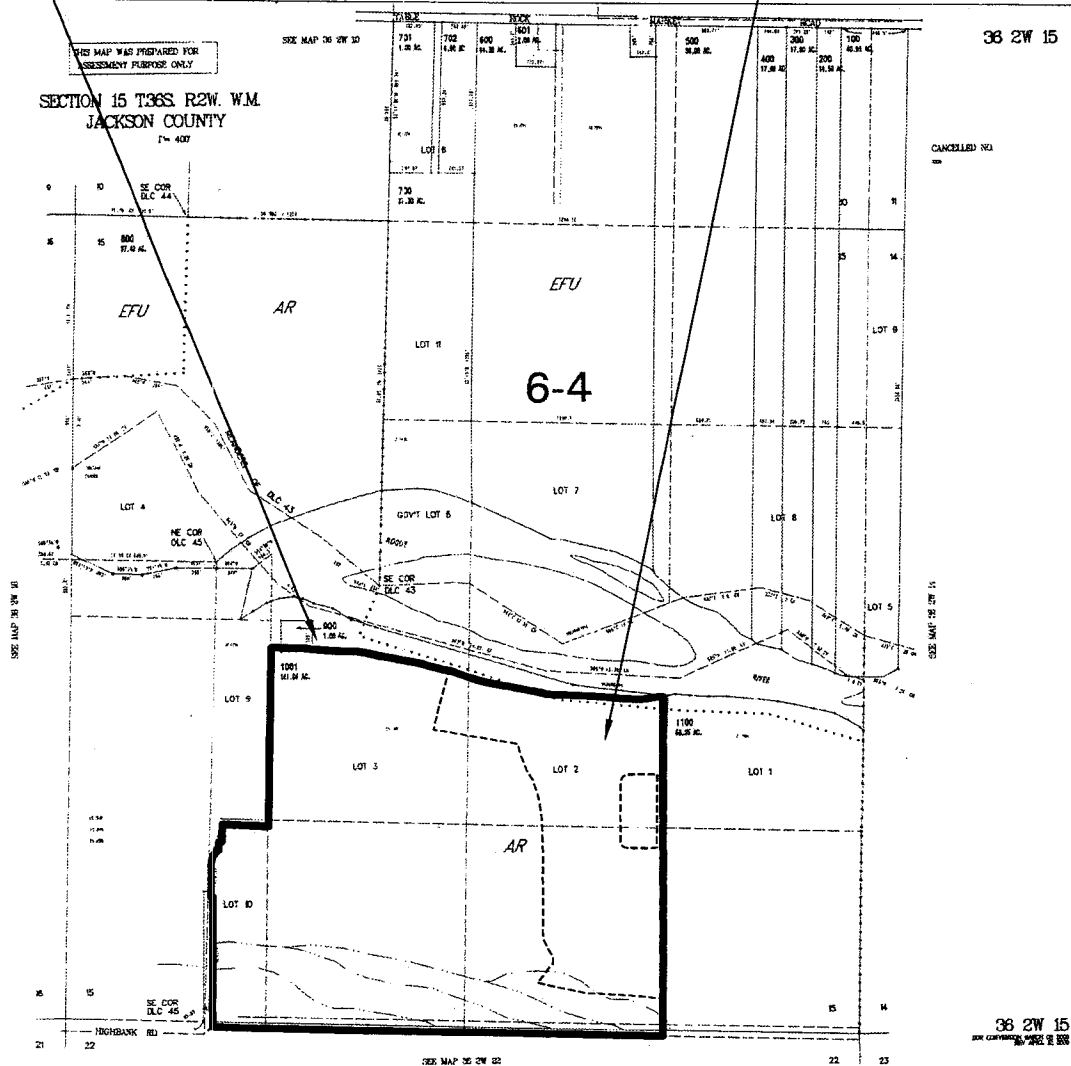
0 feet 2500 5000 7500



Denman Wildlife Area,
Hall Tract Unit

Vernal Pool Restoration Area

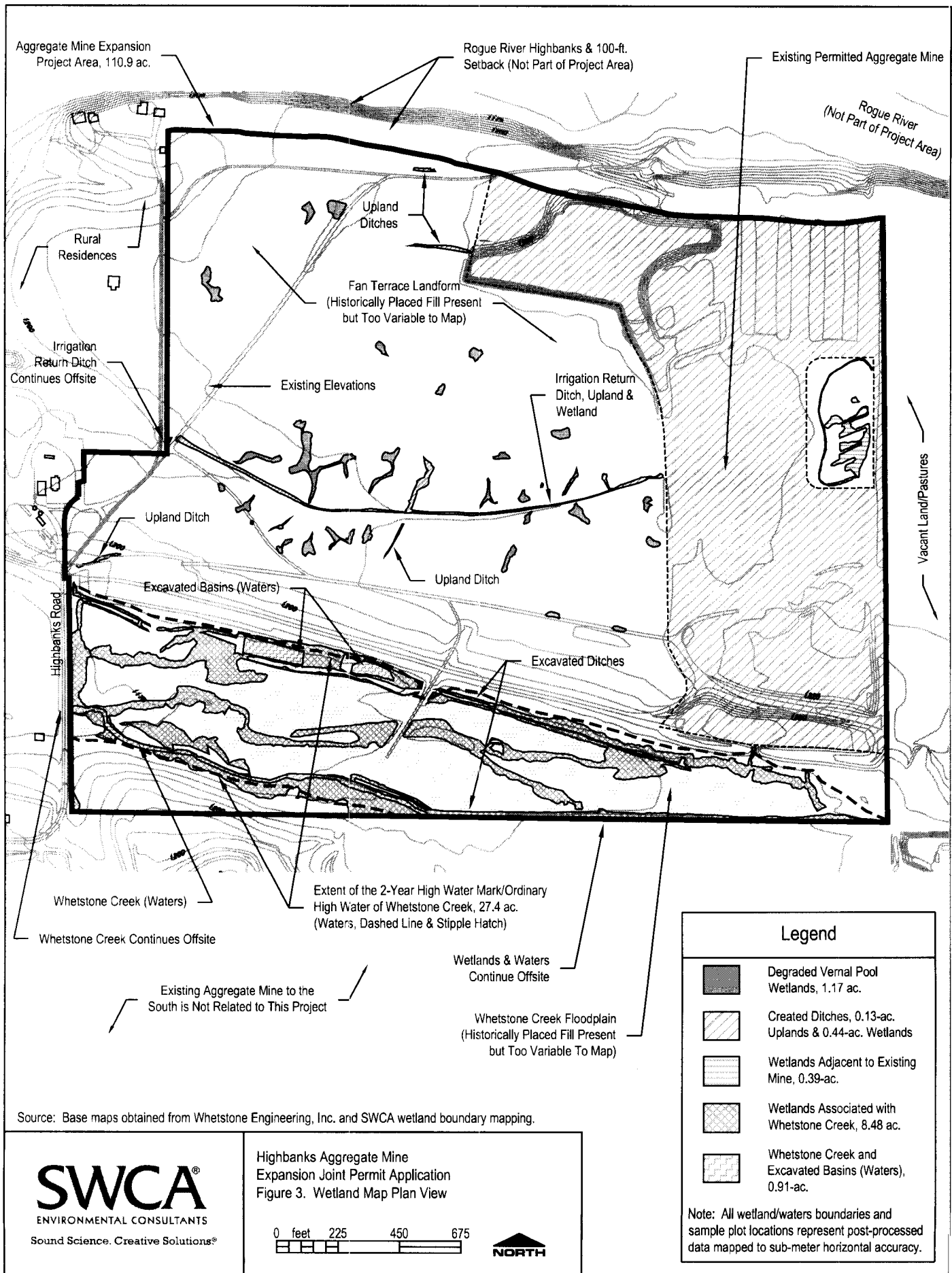
Existing Permitted Aggregate Mine

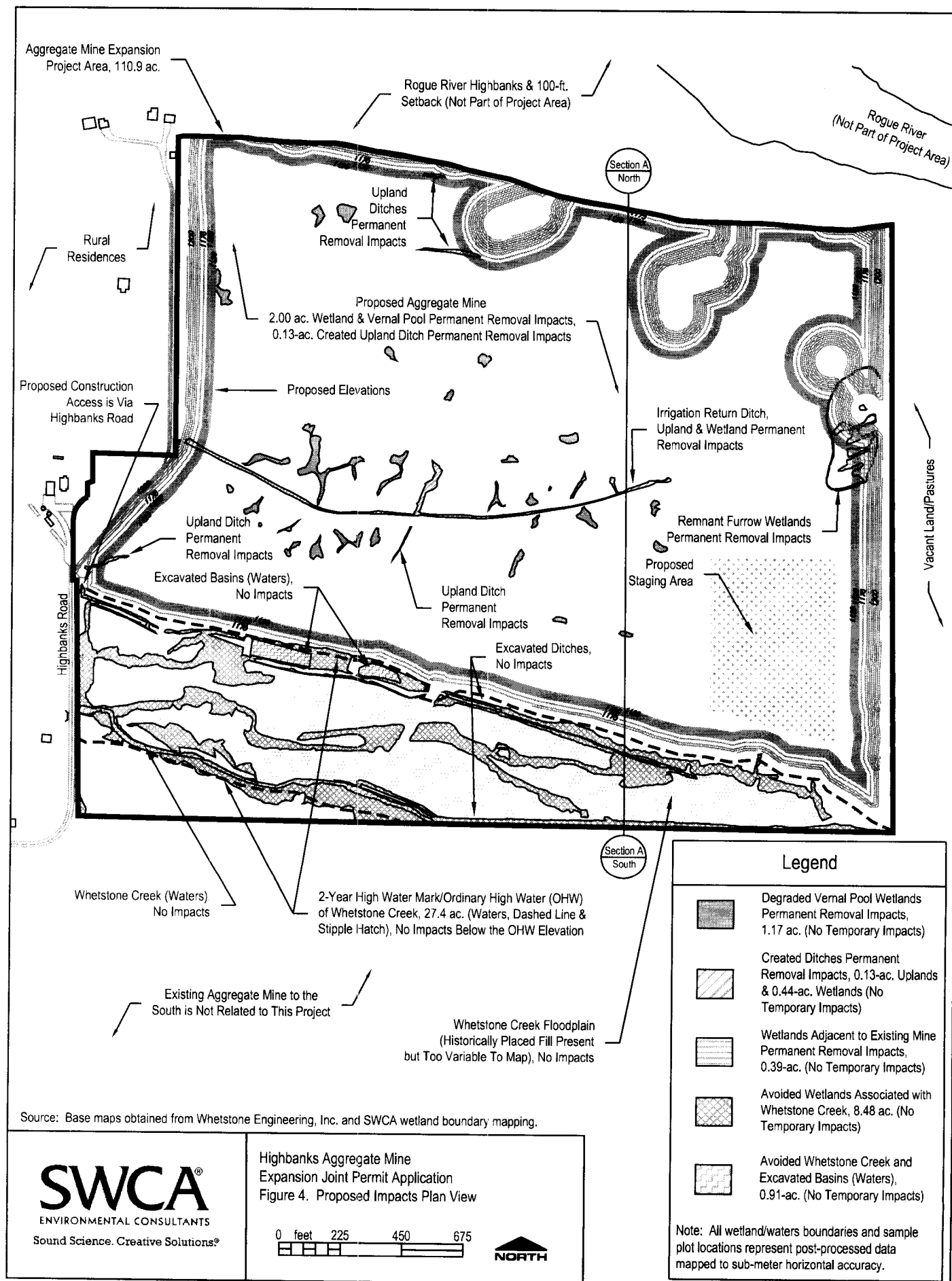


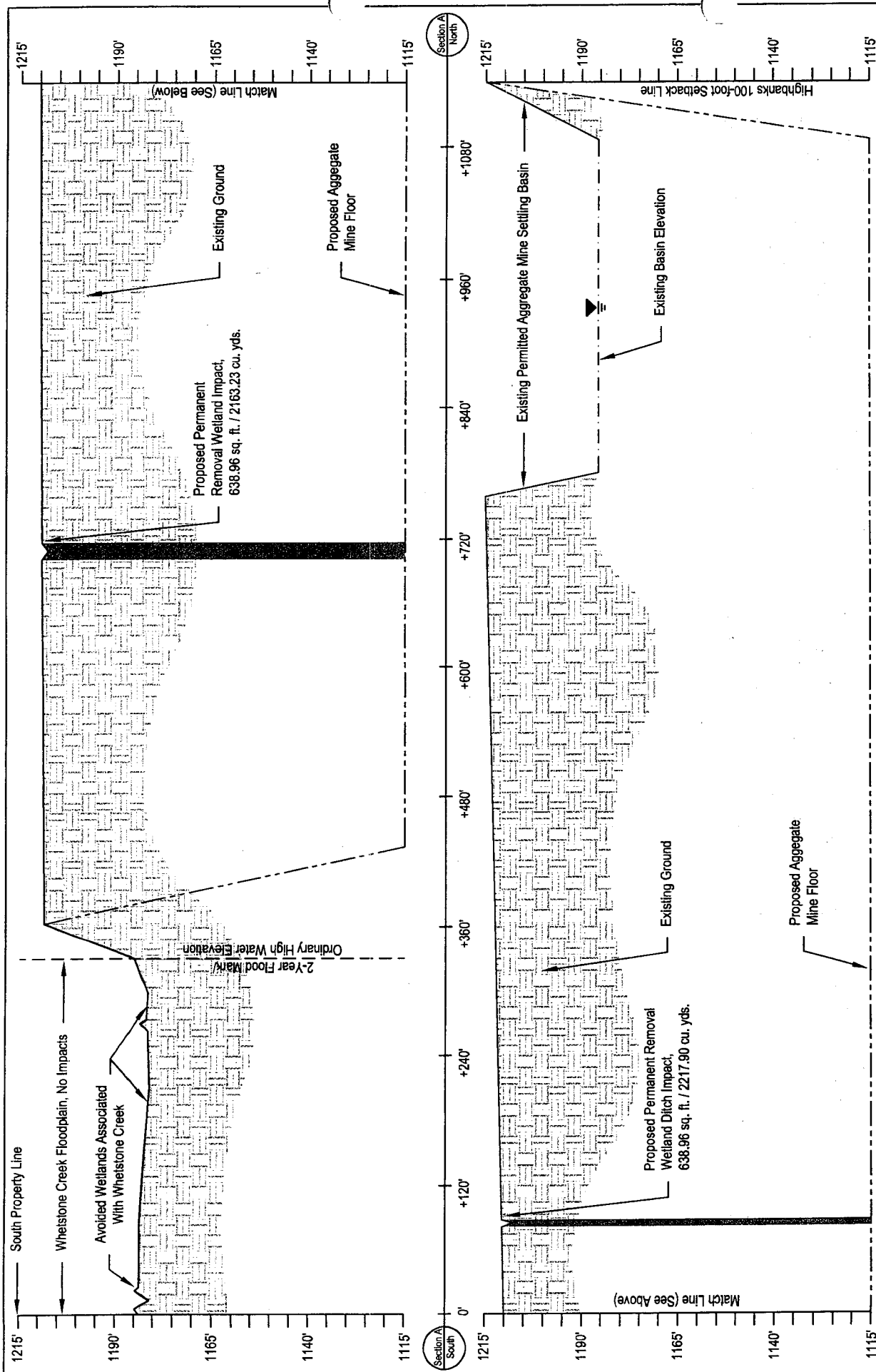
MISTAPLE K/MAN-TWP/36SW/16/O/O PLATERS

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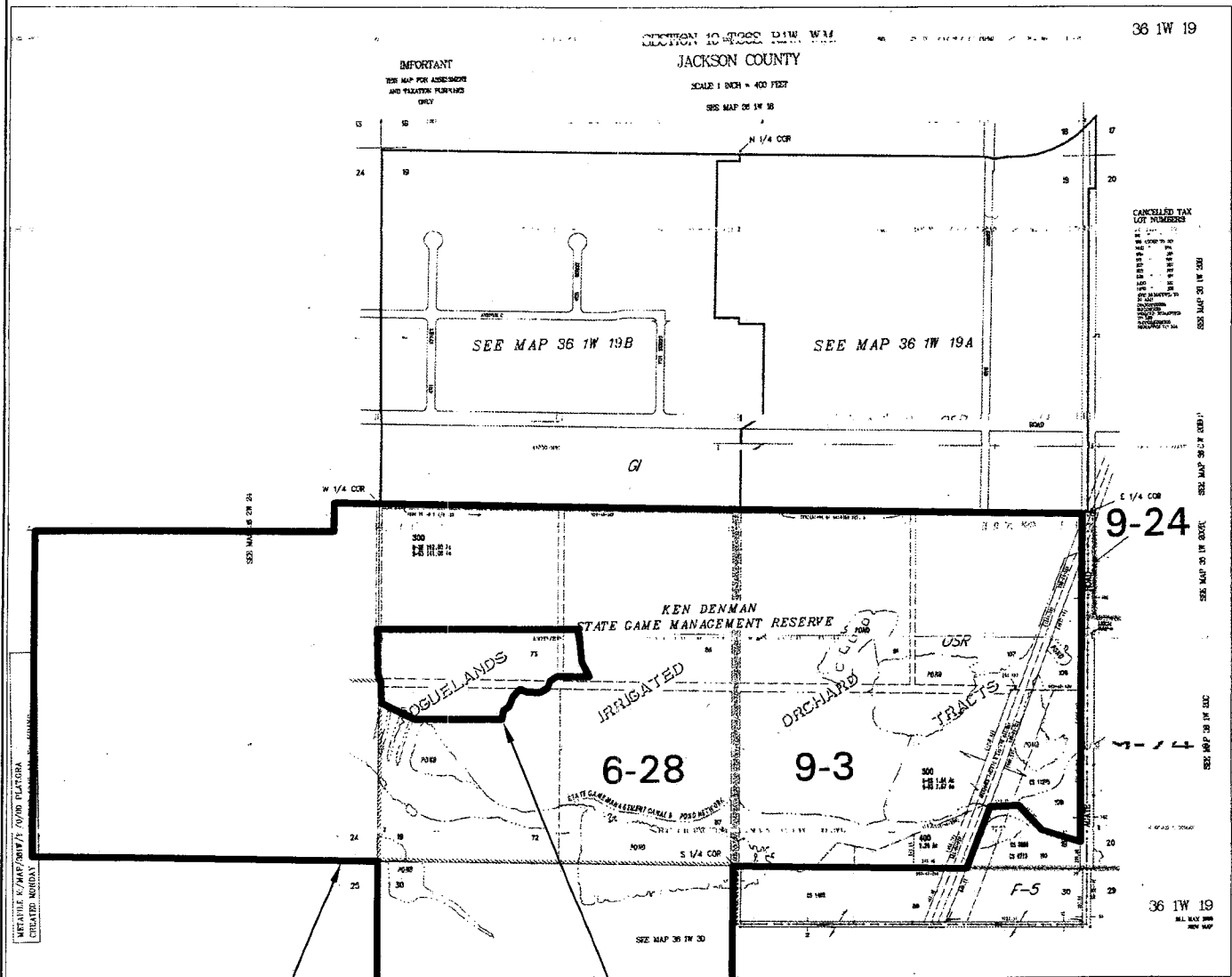






Highbanks Aggregate Mine
Expansion Joint Permit Application
Figure 5. Proposed Impacts Cross-Sectional View "A"

1 in.=120 ft. Horizontal Scale
1 in.=33 ft. Vertical Scale

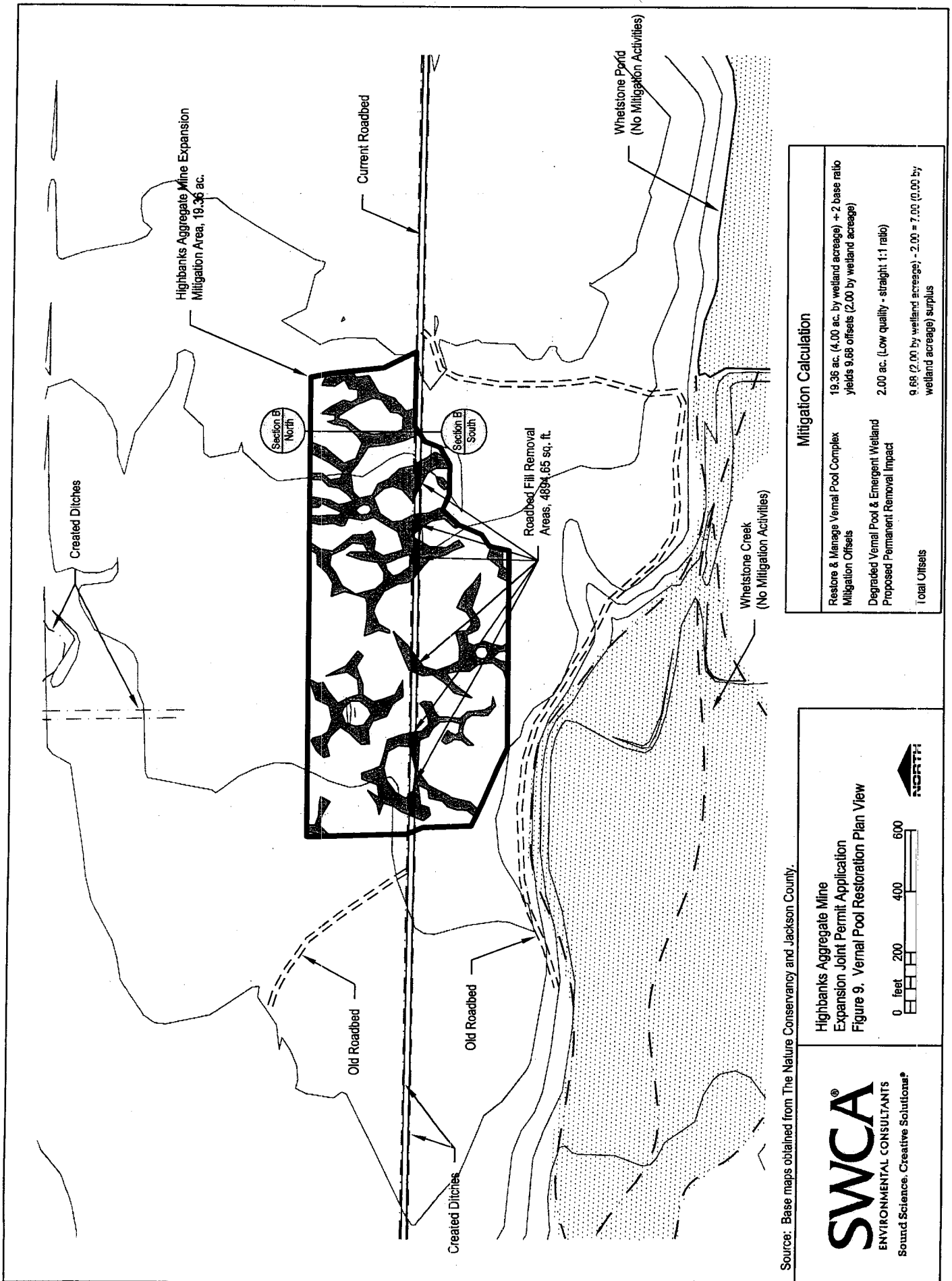


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Highbanks Aggregate Mine
Expansion Joint Permit Application
Figure 2C. Tax Lot Map 361W19

0 feet 600 1200 1800



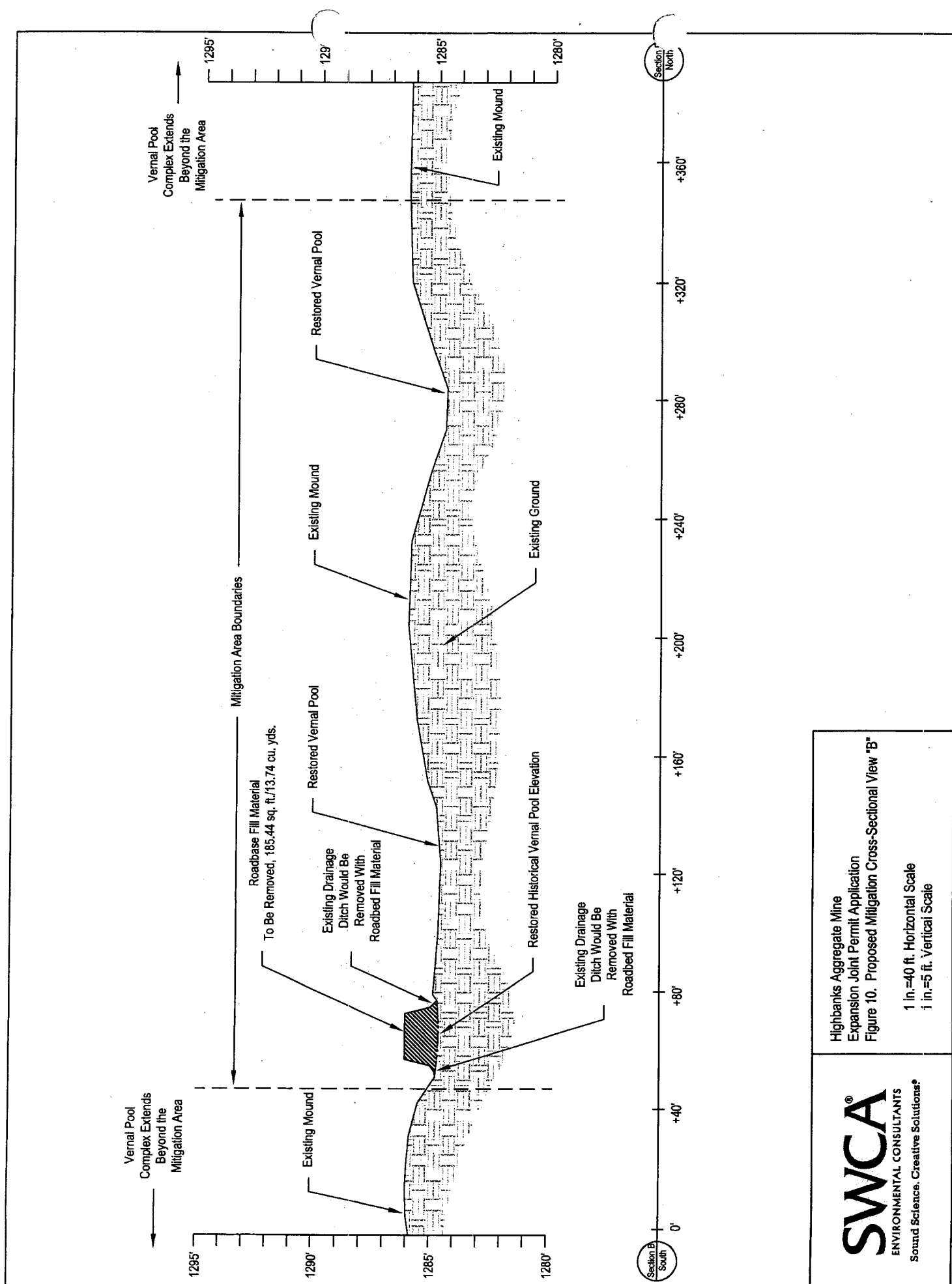


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Highbanks Aggregate Mine
 Expansion Joint Permit Application
 Figure 9. Vernal Pool Restoration Plan View

Mitigation Calculation

Restore & Manage Vernal Pool Complex Mitigation Offsets	19.36 ac. (4.00 ac. by wetland acreage) + 2 base ratio yields 9.68 offsets (2.00 by wetland acreage)
Degraded Vernal Pool & Emergent Wetland Proposed Permanent Removal Impact	2.00 ac. (Low quality - straight 1:1 ratio)
Total Offsets	9.68 (2.00 by wetland acreage) - 2.00 = 7.68 (0.00 by wetland acreage) surplus



Highbanks Aggregate Mine
Expansion Joint Permit Application
Figure 10. Proposed Mitigation Cross-Sectional View "B"

1 in. = 40 ft. Horizontal Scale
1 in. = 5 ft. Vertical Scale

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